

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LINWOOD EDWARD TRACY, JR.; et al.,  
Plaintiffs,  
v.  
CEO, SUCCESSOR FOR DEUTSCHE  
NATIONAL TRUST COMPANY; et al.,  
Defendants.

3:11-cv-0436-LRH-VPC

ORDER

Before the court are plaintiff Linwood Edward Tracy, Jr.'s ("Tracy") motions for judgment against defendants Quality Loan Service (Doc. #30<sup>1</sup>); New Century Home Loan Equity Trust (Doc. #31); Jocelyn Corbett, Esq. (Doc. #32); Andrea Sheridan Ordín (Doc. #33); Nicole M. Hoffman, Esq. (Doc. #44); Madeline K. Lee, Esq. (Doc. #45); Nicole L. Glowin, Esq. (Doc. #46); Wright, Finlay & Zak, LLP (Doc. #47); and United States District Judge Philip S. Gutierrez (Doc. #49) which the court will construe as motions for default judgment.

In order to obtain a default judgment, a party must first obtain a clerk's entry of default which can only be obtained by establishing, through an affidavit, that a defendant has failed to plead or otherwise defend itself in the action. *See* FED. R. CIV. P. 55(a); *Warner Bros. Entm't Inc. v. Caridi*, 346 F. Supp. 2d 1068, 1071 (C.D. Cal. 2004) (citation omitted). Here, no clerk's entry of default has been obtained by Tracy against the aforementioned defendants. Thus, there is no basis


<sup>1</sup> Refers to the court's docket number.

1 for the court to enter a default judgment against these defendants. Accordingly, the court shall deny  
2 the motions for judgment.  
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4 IT IS THEREFORE ORDERED that plaintiff's motions for judgment (Doc. ##30, 31, 32,  
5 33, 44, 45, 46, 47, 49) are DENIED.

6 IT IS SO ORDERED.

7 DATED this 19<sup>th</sup> day of September, 2011.

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10 LARRY R. HICKS  
11 UNITED STATES DISTRICT JUDGE  
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